

Amendment under 37 CFR § 1.111  
Application No. 10/821,980  
Attorney Docket No. 020607A

### **REMARKS**

Claims 17-31 are pending in the present application. Claims 17, 20, 22 and 25-27 are herein amended. Claim 5 is cancelled.

### **Claim Objections**

Claims 17, 20 and 25 were objected to for minor informalities. In claim 17, line 9, the term “circuinferentially” was changed to “circumferentially.” In claim 20, line 2, “than inside diameter” was changed to “than the inside diameter.” In claim 25, line 1, “according td” was changed to “according to.” Withdrawal of the claim objections is requested.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 22 and 26-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 22 and 26, claim 17 has been amended to recite “at least one air ejection nozzle.” In addition, claims 22 and 26 have been amended to clarify that the “at least on air ejection nozzle comprises a plurality of air ejection nozzles.”

Regarding claim 27, claim 25 has been amended to recite “at least one second auxiliary combustible gas flame hole.” Claim 27 depends from claim 25 and recites that the “at least one second auxiliary combustible gas flame hole comprises a plurality of second auxiliary combustible gas flame holes.”

Withdrawal of the § 112 rejection is requested.

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**Double Patenting Rejection**

Claims 17-31 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,736,635 (previously Application No. 10/111,382, which is the parent application to the present divisional application).

A terminal disclaimer signed by a representative of the assignee, Ebara Corporation, is filed with this response. In addition, a certificate under 37 C.F.R. § 3.73(b), signed by a representative of Ebara Corporation, is filed with this response.

Accordingly, withdrawal of the double patenting rejection of claims 17-31 is requested.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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